

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Deutsche Bank National Trust Company, as
trustee for the registered holders of Morgan
Stanley ABS Capital I Inc. trust 2007-HE5
mortgage pass-through certificates, series 2007-
HE5

PLAINTIFF CASE NUMBER: 1:10-cv-05293

VS.

DISTRICT JUDGE: Charles R. Norgle, Sr.
MAGISTRATE JUDGE: Maria Valdez

Joe Palumbo,

DEFENDANT(S).

MOTION TO SET ASIDE JUDGMENT AND DISMISS CASE

Plaintiff, Deutsche Bank National Trust Company, by counsel, James N. Pappas of Burke, Costanza, & Carberry LLP, files the following Motion to Set Aside Judgment and Dismiss the Case without prejudice, and states:

1. On August 21, 2010, Plaintiff filed its Complaint for Foreclosure of a mortgage given by the Defendant Joe Palumbo to the Plaintiff.
2. On November 19, 2010 Judgment was entered against the Defendant, Joe Palumbo.
3. On February 28, 2011, Loan was Paid in Full.

WHEREFORE, counsel for Plaintiff, Deutsche Bank National Trust Company, respectfully requests that the Judgment be set aside and the Case be dismissed without prejudice, and for all other relief just and proper.

Respectfully submitted,

BURKE COSTANZA & CARBERRY LLP

By: /s/ James N. Pappas
James N. Pappas, #6291873
225 W. Washington #2200
Chicago, IL 60606
Phone: (219) 769-1313